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SUBJECT: Belgium 2007 Trafficking in Persons Report

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11. (U) The 2007 Trafficking in Persons follows in paragraph two. Embassy Point of Contact is Political Counselor Theodore H. Andrews, telephone (32) (2)508-2111/fax 513-15333. Staff hours spent in preparation of this report:

Political Counselor (FO-1): 3 hours
Political Assistant (LES-10): 48 hours
Political Intern: 16 hours

12. (SBU) Begin Text of 2007 Report:

Overview

1A. Belgium is a destination and transit country for trafficked persons. The majority of trafficking victims in Belgium are young women originating primarily from Sub-Saharan Africa, Central Europe, and Asia. Particularly prominent source countries are Nigeria, Albania, Bulgaria, Romania, and China. Most victims are destined for Belgium's larger cities or other European countries, often the United Kingdom, and are usually trafficked for the purposes of sexual exploitation. Male victims are typically trafficked for exploitative labor in restaurants, bars, sweatshops and construction sites.

For 2006, the Federal Police's Central Service for Trafficking in Persons investigated 230 cases. Specific information regarding these cases (age, gender, nationality, nature of exploitation) was not yet available at the time of this report, but should be released later in the year.

There are three centers in Belgium tasked with sheltering victims of trafficking: Payoke in Antwerp (Flanders region), Surya in Liege (region of Wallonia), and Pag-Asa in Brussels. Police are encouraged to bring known or discovered victims of trafficking to these centers for assistance. The three specialized shelter centers registered 667 victims in 2003, 586 victims in 2004 and 112 victims during the first half of 2005. More recent statistics are pending from all three shelters. Preliminary

numbers from the Payoke Center indicate that they assisted 143 victims in 2006, 60 of whom were new to the center. More specific information should become available in April 2007. Of the registered victims, 175 opted for assistance by the centers in 2003, 144 in 2004 and 36 for the first half of 2005. The victims were mostly women (in 2004, 100 women and 44 men), coming originally from Nigeria, China, Romania, Bulgaria and Albania.

Of all victims taken care of by three specialized shelter organizations between 1999 and 2005, 34 percent were victims of sexual exploitation, 18 percent of economic exploitation, 19 percent of smuggling, and 21 percent of trafficking/smuggling combined.

In the past several years, Belgium has greatly improved its data gathering regarding trafficking, with information supplied by the Justice Ministry, the Federal Police and the three specialized shelter centers. The Center for Equal Opportunity and the Combat Against Racism is tasked with issuing an annual report on the matter and coordinating victim centers and law enforcement efforts in combating trafficking.

1B. Most recent trends show that forced prostitution and related criminality organized by Bulgarian criminal groups persists. There is growing private prostitution and commercial escort services have gained ground. An increasing number of victims, especially young victims, are forced to beg. Economic exploitation cases continue to be on the rise, but this could be the result of better prosecution techniques resulting from legislative improvements in the Belgian approach to their trafficking problems. In recent years, the government of Belgium has continued its proactive and sophisticated approach to anti-trafficking law enforcement. In 2005 the lawmakers amended the 1995 anti-trafficking act. Through this amendment, trafficking has become a crime specifically defined in the Belgian Criminal Code. In line with prevailing international and European conventions, the lawmakers have distinguished between trafficking and smuggling. Additionally, the new legislation allows the law enforcement agencies to fight "slum lords," and the exploitation of persons through forced begging has become a crime. Furthermore, the new laws address trafficking of both foreign nationals and Belgian nationals within Belgium.

1C. The funding of law enforcement agencies is currently adequate, and there are no reports of governmental corruption. Victims are aided through three non-governmental organizations that rely largely on government subsidization.

1D. In May 2004 the federal government instituted a coordination composed of representative relevant ministries. The report of the new agency report has not yet been made at the State Department or the agencies involved in connected to a secure wto network and have access formation.

However, the effect was questioned thr Opportunity and the Combined forced labor, and forced trafficking involveing units of the federals, the Interior Ministry, the Employment Ministry, and the courts. The Council of Ministersation. The Social Weelfare departments monitor for such each judicial districted to trafficking information gathering is in the hands of the newly established IAMM/CIATEH and The Center for Equal Opportunity and he Combat Against Racism. Belgium is also committed to anti-trafficking agreements as a member of the EU/Europol, Interpol, and the UN.

1C. The government has, in past years, occasioally organized public awareness campaigns, paQticularly regarding the exploitation of child2en. No major awareness campaigns were lauhed in 2006, but Child Focus and Stop Child Prostitution are twoNGOs that continually organize

campaigns on child prostitution awareness. Government agencies and NGOs in Belgium have a well-developed network of websites that provide information on trafficking and direct victims toward relief centers.

1D. The government extensively supports programs to prevent trafficking. Most agencies involved in the combat are federal and/or regional government subsidized. The position of women in public life is protected by means of anti-discrimination legislation. School attendance is compulsory until age 18.

1E. The government is highly cooperative with NGOs in combating trafficking in persons, providing most of the financial support for its three victims' centers. They display very close cooperation with international bodies that work on trafficking issues.

1F. As a Schengen Zone country, Belgium's main immigration and emigration monitoring is through its 6 airports, 6 seaports, and the high-speed train terminal in Brussels. However, there are no inspections along its land borders, making trafficking more difficult to detect. However, employment and social welfare agencies screen routinely for victims of trafficking among foreigners.

1G. Internal coordination takes place at the political level by the federal government, at the level of the courts through the College of Prosecutors General, at the Federal Prosecuting Office, and by the newly established IAMM/CIATTH for data gathering. For multilateral efforts, a special unit operates within the Belgian Foreign Ministry to coordinate with authorities in origin countries. Belgium actively participates in actions developed by the UN, IMO, EU, OSCE and Council of Europe. The Federal Police coordinates actions with INTERPOL and EUROPOL, within the EU framework and through bilateral cooperation agreements with selected countries.

1H. In 2004, the federal government launched a national action plan that it continues to implement. It was developed in conjunction with all relevant departments and agencies dealing with trafficking and was part of the government's Integral Security Policy Statement of March 2004, which designated trafficking as a top priority. This plan was disseminated by direct correspondence with each department/agency.

Investigation and prosecution of traffickers

1A. The Belgian act of April 13, 1995, contained a series of measures aimed at repressing human trafficking and child pornography. The law defined trafficking in persons as "helping in any way whatsoever, either directly or through an intermediary, an alien who enters or resides in Belgium, and, in doing so, directly or indirectly making use of fraudulent practices, violence, threats or any form or of force against that alien and, abusing the particularly vulnerable position on that alien on account of his or her uncertain administrative status or due to pregnancy, illness, disability or mental disorder." In 2002, parliament adopted legislation to combat organized crime more effectively. A further restructuring of the entire anti-trafficking effort occurred in 2004.

In 2005, lawmakers adopted a major overhaul of the 1995 legislation. It aligned Belgian legislation with prevailing European and international law, in particular the additional protocols to the UN Convention Against Transnational Organized Crime (2000), the EU Council framework decision on combating trafficking in human beings (2002), the EU directive on the facilitation of unauthorized entry, transit and residence (2002), and the EU Council framework decision on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence.

Following passage of the 2005 act, it became possible to pursue criminal cases for recruiting, transporting, transiting, providing shelter or housing to, and passing on the control over persons for the purpose of prostitution, child pornography, exploitation of mendacity, economic exploitation, organ transplant or to force them to commit crimes and offences. The new act makes it easier for the law to arrest slumlords, and to act against the exploitation of forced begging. In another major change, the new legislation applied the law to Belgian perpetrators, and not only to non-Belgians. The new legislation defined smuggling as opposed to trafficking, and made it impossible to invoke consent of the victim as a defense against criminal charges. Aggravating circumstances include threatening the life of victim, involvement in a criminal organization, vulnerability of the victim, use of violence, and causing severe harm or death of the victim.

The authorities amended the 2005 law in 2006 by making it a crime to contract a fake marriage, receive compensation for arranging a fake marriage, or to incite others to do so.

¶B. Persons convicted of violating anti-trafficking legislation are subject to one to five years of imprisonment and are fined between 500 and 50,000 euro. Repeat offenders, those convicted of offences of an organized nature, and other, aggravating circumstances the punishment increased from ten to fifteen years imprisonment along with fines up to 100,000 euros. If the offender belongs to a criminal organization, or if the trafficking results in manslaughter, the punishment is 15 to 20 years imprisonment and a fine ranging from 1,000 to 150,000 euros.

Penalties for rape and forcible sexual assault are rather similar, but if resulting in the death of the victim the penalty can be up to 30 years imprisonment.

¶C. Persons convicted of trafficking for economic exploitation are subject to one to five years imprisonment and are fined between 500 and 50,000 euros. The law specifies that Belgian nationals can also become victims of economic exploitation. Under the law, economic exploitation means that the victim is employed under circumstances which violate human dignity. The use of force or exploitation of vulnerability is not required to qualify a situation as exploitative.

Belgian authorities enforce very restrictive regulations as to the employment of foreigners as au pairs, interns, entertainers, and sportsmen. To combat trafficking, special ID cards are issued to diplomatic household personnel.

¶D. Most recent information on rape laws and punishments pending.

¶E. Prostitution as such is not a criminal act, but organizing prostitution and forcing people to prostitute themselves are criminal offences. The act of November 2000 has reinforced protection of minors with regard to trafficking, prostitution and pornography. Organizing prostitution of minors under age sixteen can result in 20 years imprisonment. Prostitution in bars and through escort services is diminishing, while the phenomenon of people prostituting themselves through the internet is increasing significantly. The law enforcement agencies encounter great difficulties monitoring this form of prostitution.

¶F. The Federal Police has in 2004 conducted 276 investigations into human trafficking cases, and 162 investigations for the first nine months of 2005. In 2001, 115 persons were sentenced for trafficking-related criminal acts. The number of sentenced persons was 130 in 2002 and 170 in 2003. The perpetrators on average received 30 months imprisonment and average fines ranged from 9,145 euro in 2001 to 11,510 euro in 2003. Other sentences

ded confiscation of goods and rights.

In October eight years
imprisonment fine for running a
Qs also handed down sentences and people organizing fake marriages.

In November 2006 an Antwerp Judge convicted 13 Russian
nationals for recruiting girls for sexual exploitation.
They received sentences ranging from 1 to 7 years
imprisonment as well as heavy fines.

In a landmark case in December of 2006, 12 traffickers
appeared in court for smuggling as many as 100,000 persons
to the United Kingdom over a 6 year period. The smugglers
and traffickers consisted of 8 Turkish nationals, two
Iranian refugees, and two Belgians. Their victims were
mainly Turkish Kurds. The offenders received penalties
ranging from 3 to 10 years imprisonment and were
collectively fined 2 million euros.

Also in December 2006, a Leuven court convicted 20 people
of organizing prostitution and trafficking ring that
forcibly exploited young women and girls from Eastern
Europe. They were sentenced to 9 years imprisonment and up
to 25,000 euro fines.

1G. Trafficking is done by small, and occasionally larger,
criminal organizations from Eastern Europe and Asia. In
2005, the Federal Police identified 144 criminal
organizations involved in trafficking and smuggling,
compared with only 100 organizations in 2004. Most of these
organizations were transnational in nature. Trafficking is
only part of the activities of these criminal
organizations, as they also are involved in drugs trade,
money laundering, car thefts, visa and passport
counterfeiting, and other criminal activity. Restaurants,
travel agencies, and phone shops are often used as front
organizations. There are no reports of government
officials becoming involved.

1H. The government actively investigates cases of
trafficking, and uses advanced investigation technologies,
such as scanners for containers entering their ports.
Wiretaps are being used in investigations and the Belgian
police forces collaborate actively with Europol and
Interpol. Legislation enacted in 2005 provides a better
legal footing for pro-active investigation, infiltration,
observation, wiretaps, the gathering of financial
information and the use of informers. It also provides
with a more accurate definition of "dwelling" which allows
the police to search a wider range of premises. The new
law also better defines the role the federal prosecutor,
district prosecutors and investigating judges. Police also
use special investigation techniques, such as covert
operations, to pursue traffickers.

1I. Adequate training of police officers and magistrates is
available.

1J. The government and law enforcement agencies cooperate
smoothly and regularly with other governments. Channels
used by the federal police are shared with Interpol and
Europol. Belgium has also signed a wide range of bilateral
police cooperation agreements with Eastern European
countries. Also, the Foreign Ministry has begun more
widely posting immigration specialists in its foreign
diplomatic posts.

1K. Belgians and foreign nationals can be extradited under
the European arrest warrant. Belgian Parliament has
adopted this European framework decision.

1L. There is no evidence of government involvement in or
tolerance of trafficking.

1M. There were cases in the nineties of fraudulent visas
issued by Belgian embassies. One particularly case, which
happened at the Belgian embassy in Bulgaria, resulted in a

formal investigation and hearings in Parliament. Disciplinary measures were taken against the diplomats involved in the fraud.

¶N. The Belgian authorities identify sex tourism and child pornography as a serious problem. Belgium has specific legislation for combating these criminal acts. Belgians can be charged in Belgium for child abuse crimes committed abroad. In 2000 the Belgian Parliament adopted a new constitutional provision on children's rights guaranteeing respect of moral, physical and sexual integrity of children. In 2000 the lawmakers amended the 1995 act on combating human trafficking and child pornography. New provisions were added to the criminal code enhancing the protection of minors, particularly with regard to trafficking, prostitution and pornography.

A Brussels judge handed down a ten-year imprisonment sentence to a Belgian who abused in Thailand some 200 Thai children over a twenty-year period. As a first in Belgian legal history, Child Focus, the Belgian organization tracking missing children, made use of its legal position to claim damages. It obtained the payment of a 20,000 euro fine.

¶O. ILO Convention 182, ratified 5/8/2002
ILO Convention 29, ratified 1/20/1944
ILO Convention 105, ratified 1/23/1961
Optional Protocol to the Convention on the Rights of the Child and on the Sale of Children, Child Prostitution, and Child Pornography, ratified 3/27/2006.
Protocol to Prevent, Suppress and Punish ..., ratified 8/11/2004

Protection and assistance to victims

¶A. In 2006, Parliament enacted a complete overhaul of the 1980 Immigration Act, bringing Belgian legislation in line with prevailing EU directives, such as the EU Directive 2004/81 on awarding residence to trafficking victims who opt to cooperate with the authorities. As a result, the prevailing Belgian protection system is now supported by law, and has been extended to certain categories of smuggling victims, including unaccompanied minors, the vulnerable, the deceived, and ill victims.

Victims have 45 days to decide what to do, and can qualify for a renewable 3-month residence permit or a 6-month permit, depending on the state of the judicial investigation. They can eventually obtain permanent residence after the traffickers are sentenced.

There was a noticeable increase in the number of victims of economic exploitation who sought help from the shelter centers, from 10 in 1999 to 48 in 2004. The victims were for the larger part Chinese, Equatorian, Nigerian, Moroccan, and Romanian nationals.

Under-age victims arriving in Belgium are in the first place directed to a special center, and in a later stage, they receive help from custodians whose task it is to assist these victims finding housing, and education. They also give legal assistance when the victims file for asylum.

¶B. The federal and regional governments fund the recognized shelters. These centers provide medical/psychological aid, administrative aid and judicial aid.

¶C. Victims get in touch with the centers individually, through the police, social services, district courts, labor courts or the Immigration Office.

¶D. Victims are not fined, detained, jailed or deported. Average stay in the shelters is six months. Victims can also opt to stay outside the shelters.

¶E. The system is designed to obtain cooperation from victims. Victims are encouraged to collaborate with the law enforcement agencies during a judicial investigation but also by starting litigation against offenders. The shelters have to authority to file a lawsuit in their own name or in the name of a victim.

¶F. Victims are provided access to safe houses, the whereabouts of which are kept secret. There are specific shelter systems in place for juveniles and those particularly threatened by their traffickers.

¶G. Training on recognizing trafficked persons is well established in law enforcement agencies, and procedures for dealing with trafficking cases are well known. The Justice Ministry, in 2005, organized special training sessions for magistrates and The Foreign Ministry train in origin countries. TIC staff in trafficking in recent years and co

¶H. The government provides shelter (in afore-mentioned work permits to trafficking victims. Belgium collaborates with regional Organization for United Nations and the Council of Europe combat trafficking in human for labor exploitation and combating sexual exploitation.